

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference P803869/WO/1 | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/EP2004/012001 | International filing date (<i>day/month/year</i>) 23.10.2004 | Priority date (<i>day/month/year</i>) 06.11.2003 |
| International Patent Classification (IPC) or national classification and IPC B60R21/02, B60R21/04 | | |
| Applicant DAIMLERCHRYSLER AG | | |

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|----|---|--|
| 1. | This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. | |
| 2. | This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. | |
| 3. | This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>4</u> sheets, as follows: <div><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</div> b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). | |
| 4. | This report contains indications relating to the following items: <div><input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application</div> | |

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012001

| Box No. I | Basis of the report |
|---|--|
| 1. | <p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-7</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* <u>1-15</u> _____ received by this Authority on <u>09.07.2005 with letter of 13.04.2005</u></p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/2, 2/2</u> _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p> <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p> |
| <p>* If item 4 applies, some or all of those sheets may be marked "superseded."</p> | |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012001

| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
|---|---|------|-----|
| 1. Statement | | | |
| Novelty (N) | Claims | 1-15 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-15 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-15 | YES |
| | Claims | | NO |
| 2. Citations and explanations (Rule 70.7) | | | |
| Reference is made to the following document: | | | |
| D1: DE 100 43 290 C1 (ACTS GMBH & CO KG.), 18 April 2002 (2002-04-18) | | | |
| <u>Novelty</u> | | | |
| 1. Document D1, which is considered to be the prior art closest to the subject matter of independent claim 1, discloses the following (the references in parentheses are to D1): | | | |
| Safety device (1) for a vehicle, more particularly a motor vehicle, for reducing the risk of injury to a vehicle occupant (25) in side-impact collisions, having at least one cushioning element (4) which is mounted on the vehicle next to an occupant position and can be moved by an actuator device (5) in the direction of the occupant position from a rest position to an extended position, the actuator device (5) being driven by an in-vehicle drive mechanism. | | | |

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

The subject matter of claim 1 differs from the known safety device in that the in-vehicle drive mechanism is an electric motor.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

2. Independent claim 15 relates to a method for operating a safety device comprising a device which is driven by an in-vehicle electric motor as per claim 1 (for example). The subject matter of claim 15 is therefore also novel (PCT Article 33(2)).

Inventive step

3. The problem addressed by the present invention can thus be seen as that of finding an alternative drive mechanism.

The use of an electric motor as the in-vehicle drive mechanism instead of the pyrotechnic actuator known from document D1 not only allows the speed and distance of extension of the cushioning element to be controlled, but also allows the cushioning element to be retracted into the starting position.

The subject matter of claim 1 and 15 is therefore inventive (PCT Article 33(3)).

4. Claims 2 to 14 are dependent on claim 1 and therefore also meet the PCT requirements in respect of novelty and inventive step.

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Industrial applicability

5. The safety device claimed in the present application
 can be used in the automotive industry.